

1 BARNETT Q. BROOKS (FL State Bar No. 0700061)
2 The Law Office of Barnett Q. Brooks & Associates, LLC
3 1800 Second Street, Suite 888
4 Sarasota, Florida 34236
Telephone: (941) 955-0717
Facsimile: (941) 366-8125

5 Attorney for Defendant
6 WILLIAM J MURPHY

7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA
10
11 SAN FRANCISCO DIVISION

12 D Q TECHNOLOGY, INC.,

13 Plaintiff,

14 v.

15 WILLIAM J. MURPHY and JERRY
16 MCINNES,
17 Defendants.

Case No. C-06-6596 MHP

**DEFENDANT WILLIAM J.
MURPHY'S STIPULATED
MOTION FOR ORDER
CHANGING TIME TO FILE
ANSWER TO COMPLAINT
AND ORDER**

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20 **DEFENDANT WILLIAM J. MURPHY'S STIPULATED MOTION FOR ORDER**
21 **CHANGING TIME TO FILE ANSWER TO COMPLAINT**
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23
24 Defendant William J. Murphy ("Defendant"), by and through his undersigned
25 counsel, hereby files his Stipulated Motion for Order Changing Time to File Answer to
26 Complaint and Memorandum of Law in Support thereof and as grounds states as follows:
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**DEFENDANT WILLIAM J MURPHY'S STIPULATED MOTION FOR
ORDER CHANGING TIME TO FILE ANSWER TO COMPLAINT**
Case No. C-06-06596 MHP

1. Plaintiff DQ TECHONOLGY, INC. ("Plaintiff") filed its Complaint in this matter on October 23, 2006.
2. Defendant was served on November 22, 2006.
3. Defendant's Answer was due December 12, 2006.
4. Defendant retained the undersigned counsel on December 15, 2006.
5. On December 18, 2006 Defendant Murphy through undersigned counsel telephoned Plaintiff's counsel advising of said representation and discussing among other things, that Defendant's Answer was thought due in early January 2007.
6. Defendant's undersigned Counsel thereupon sought and obtained Admission Pro Hac Vice.
7. On January 3, 2007 Defendant's undersigned Counsel noticed Docket No. 4 which revealed that Defendant's Answer was actually due December 12, 2006.
8. On January 3, 2007 Defendant's Counsel telephoned Plaintiff's Counsel at which time the parties agreed to the Stipulation requested herein.

MEMORANDUM OF LAW

Civil L. R. 6-1 and 6-2 allow the parties to file a stipulation requesting an extension of time within which to answer or otherwise respond to the Complaint. In addition, the Court has broad discretion with respect to all pretrial matters. *See Johnson v. Board of Regents* 263 F. 3d 1234; 11th Cir 2001 *Chudasama v. Mazda Motor Corp.* 123 F. 3d 1353; 11th Cir 1997.

1 This request is being made because Defendant's Counsel was not retained until
2 after Plaintiff's Answer was due. Plaintiff is in no way prejudiced by this request and
3 does not object. Exhibit A and Defendant's Declaration. In addition, Counsel for
4 Defendant McInnes does not object to this Motion. There have been no previous time
5 modifications in this case and the request will have no effect on the schedule of the
6 matter.
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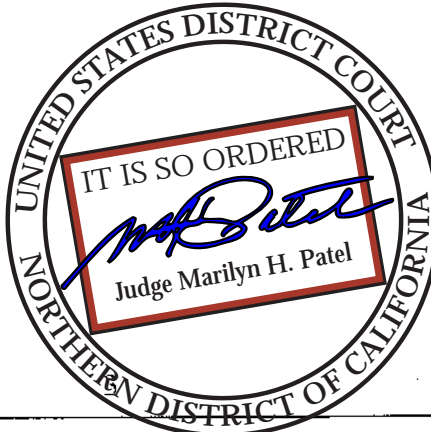
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10 **WHEREFORE**, Defendant William J. Murphy respectfully requests an Order granting
11 an extension or enlargement of time within which to file his answer not to extend beyond
12 January 26, 2007.
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14 Dated 26th of January, 2007

Respectfully Submitted,

15
16 /s/Barnett Q. Brooks
17 By: Barnett Q. Brooks, Esq.
18 The Law Office of Barnett Brooks
& Associates, LLC
19 Florida Bar No.: 0700061
20 1800 Second St., Suite 888
21 Sarasota, FL 34236
22 Tel: 941-955-0717
23 Fax: 941-366-8125
24 E-mail: brooks@bqbrookslaw.com
25 Attorney for Defendant

26 Dated: 1/29/07



DEFENDANT WILLIAM J MURPHY'S STIPULATED MOTION FOR
ORDER CHANGING TIME TO FILE ANSWER TO COMPLAINT
Case No. C-06-06596 MHP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document *Stipulated Motion for Order Changing Time to File Answer to Complain, Declaration and Order to Counsel for Plaintiff, Holland & Knight, LLP, 50 California Street, Suite 2800, San Francisco, CA 94111-4624, Counsel for Jerry McInnis at DRINKER BIDDLE & REATH LLP, 50 Fremont Street, 20th Floor, San Francisco, CA 94105-2235 and Demand for Jury Trial* was sent to the following: on this 26th day of January, 2007.

BARNETT QUINTON BROOKS
& ASSOCIATES, LLC

/s/Barnett Q. Brooks, Esq.
By: Barnett Q. Brooks, Esq.
Florida Bar No.: 0700061
1800 Second St., Suite 888
Sarasota, FL 34236
Tel: 941-955-0717
Fax: 941-366-8125
Attorney for Defendant
E-mail: brooks@bqbbrookslaw.com